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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,199	12/20/2001	Richard C. C. Chao	CHAO3014/EM	6075

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314

EXAMINER

ODLAND, KATHRYN P

ART UNIT	PAPER NUMBER
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3743

DATE MAILED: 12/30/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,199

Applicant(s)

CHAO, RICHARD C. C.

Examiner

Kathryn Odland

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 1, 8, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 9 recite, "...an inflation member including at least one pouch which has two free ends with a slot opening formed therebetween, the pouch being not communicating with one another..." Claim 8 recites, "...an inflation member including at least one pouch which has two free ends with a slot opening formed therebetween, the pouch being communicating with one another..." These recitations are unclear since another pouch has not been required. Thus, the scope of the intended limitation and claim is unclear. Any art rejections are as best understood.

3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 recites, "...delivery means is a pliable tubular element and connects to a connection head which has a rear end formed a connection section for connecting the delivery means, a front end formed a connection flange, and an inner bottom with a bulged spot formed thereon, the inner bottom further having openings formed thereon." It is unclear what, such as the delivery means or the connection section, etc., has a rear end formed a connection section for connecting the delivery

means, a front end formed a connection flange, and an inner bottom with a bulged spot formed thereon, the inner bottom further having openings formed thereon. Any art rejections are as best understood.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Rogachevsky in US Patent No. 5,752,927.

Regarding claim 1, Rogachevsky discloses a human body traction and mending apparatus being portable and for supporting a sore portion of a patient's body for mending purpose having an inflation member (such as 10) including at least one pouch (14, 16, 18, 20) which has two free ends (as seen in figure 1) with a slot opening formed therebetween, the pouch[s] being not communicating with one another, as recited in columns 3-4; a control means (via ports and valves) mounting to the pouch; a delivery means (such as 28) having one end connecting to the control means; and a fluid generation means (72) connecting to another end of the delivery means (28); wherein the fluid generation means (72) generates fluid and delivers the fluid through the delivery means into the pouch of the inflation means for inflating the pouch, as recited in columns 3-5, with emphasis on column 5, lines 35-40 and seen in figures 1-4.

Regarding claim 2, Rogachevsky discloses that as applied to claim 1, as well as, free ends that respectively attach to a fasten element (such as 22), the fasten element being selected from the group consisting of Velcro strips, adhesive tapes, buttons, or zippers, as recited in columns 3-4 and seen in figure 1.

Regarding claim 7, Rogachevsky discloses that as applied to claim 1, as well as, fluid generation means (such as 70) that is a pliable gas inflation bulb that is inflatable and deflatable, as recited in columns 2-5 and seen in figures 1-4.

Regarding claim 8, Rogachevsky discloses a human body traction and mending apparatus being portable and for supporting a sore portion of a patient's body for mending purpose having an inflation member (such as 10) including at least one pouch (such as 14, 16, 18, 20) which has two free ends with a slot opening formed therebetween, the pouch being communicating with one another, as recited in columns 3-5 and seen in figures 1-4; a control means (via ports and valves) mounting to the pouch; a delivery means (such as 28) having one end connecting to the control means; and a fluid generation means (such as 72) connecting to another end of the delivery means; wherein the fluid generation means generates fluid and delivers the fluid through the delivery means into the pouch of the inflation means for inflating the pouch, as recited in columns 3-5 and seen in figures 1-4, with emphasis on column 4, lines 50-67 and column 5.

Regarding claim 9, Rogachevsky discloses a human body traction and mending apparatus being portable and for supporting a sore portion of a patient's body for mending purpose having an inflation member (such as 10) including at least one pouch (such as 14, 16, 18, 20) which has two free ends with a slot opening formed therebetween, the two free ends of each pouch being not communicating with each other; a control means (via ports and valves) mounting to each of the two free ends of the pouch, as seen in figures 1-4; a delivery means (such as 28) having one end connecting to the control means; and a fluid generation means (such as 72) connecting to another end of the delivery means; wherein the fluid generation means generates fluid and delivers the fluid through the delivery means into the pouch of the inflation means for inflating the pouch on a single side thereof as desired, as recited in columns 3-5 and seen in figures 1-4.

Regarding claim 10, Rogachevsky discloses that as applied to claim 9, as well as, pouch[s] that communicate with one another, and the two free ends being not communicating with each other, and the control means being mounted to each of the two free ends of each pouch, as recited in columns 3-5 and seen in figures 1-4.

6. Claims 3 is rejected under 35 U.S.C. 102(b)/103(a) as being anticipated by Rogachevsky in US Patent No. 5,752,927.

Regarding claim 3, Rogachevsky discloses that as applied to claim 1, as well as, control means is that a check valve located between the delivery means and the fluid generation means, as recited in columns 3-5, with emphasis on column 5, lines 35-40 and seen in figures 1-4. Further, an appendix has been provided with the definition of check valve and that disclosed by Rogachevsky in its broadest can be considered a check valve or equivalent.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogachevsky in US Patent No. 5,752,927.

Regarding claims 4 and 5, Rogachevsky discloses that as applied to claim 1, as well as, control means that includes an inlet and an outlet. However, Rogachevsky does not explicitly recite a valve stem and an elastic element, the valve stem having one end attached to a rod or control means has an indented recess. On the other hand, a valve stem and an elastic element, the valve stem having one end attached to a rod and control means has an indented recess are extremely well known features of common valves today. Thus, it would be obvious to one with ordinary skill in the art to assure the system of Rogachevsky have a valve stem and an elastic element, the valve stem having one end

attached to a rod and control means has an indented recess for the purpose of proper sealing. Furthermore, the specification of the current application does not demonstrate the criticality of a valve stem and an elastic element, the valve stem having one end attached to a rod. In fact, alternate valve configurations are disclosed. Thus, since the criticality of any particular valve structure has not been established any well-known features performing the same function can be considered equivalents.

Regarding claim 6, Rogachevsky discloses that as applied to claim 1, as well as, delivery means (72) that is a pliable tubular element and connects to a connection head, which has a rear end formed a connection section for connecting the delivery means. However, Rogachevsky does not explicitly recite a connection section having a front end formed a connection flange, and an inner bottom with a bulged spot formed thereon, the inner bottom further having openings formed thereon. On the other hand, having a front end formed a connection flange, and an inner bottom with a bulged spot formed thereon, the inner bottom further having openings formed thereon are extremely well known valve and connection features. Thus, it would be obvious to one with ordinary skill in the art to assure the system of Rogachevsky has a front end formed a connection flange, and an inner bottom with a bulged spot formed thereon, the inner bottom further having openings formed thereon for the purpose of proper seal and fluid flow.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are as follows: US Patent No. 6,540,707; US Patent No. 6,066,109; US Patent No. 6,050,965; US Patent No. 6,331,170; US Patent No. 5,954,676; US Patent No. 5,916,185; US Patent No. 5,588,956; US Patent No. 5,582,584; US Patent No. 5,437,615; US Patent No. 5,403,266; US Patent No. 5,060,661; US Patent No. 4,682,588; and US Patent No. Re. 34,883.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathryn Odland whose telephone number is (703) 306-3454. The examiner can normally be reached on M-F (7:30-5:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A Bennett can be reached on (703) 308-0101. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

KO

Henry Bennett
Supervisory Patent Examiner
Group 8700